



Appeal Decision

Site visit made on 23 October 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/P5870/D/25/3368588

96 Benhill Road, Sutton SM1 3RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Bali against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2025/00418.
 - The development proposed is described as 'Prior Approval for a single storey rear extension projecting from the rear of the original house by 4.7m'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions. The main parties do not dispute that the appeal scheme meets the requirements of Schedule 2, Part 1, Class A of the GPDO such that it would constitute permitted development, subject to those conditions and limitations.
3. The application was made for prior approval for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1. Paragraph A.4(7) to Part 1 requires that, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. One letter of objection was received during the Council's consideration of the application, as such the provisions of paragraph A.4(7) were triggered and I have assessed the appeal on this same basis.
4. Accordingly, having regard to the provisions of the GPDO, the main issue is the impact of the proposed development on the amenity of the adjoining occupiers, with particular regard to light and outlook.

Reasons

5. No.94 Benhill Road is a two storey semi detached property attached to the appeal site. The garden of no.94 is tightly enclosed by a new building which wraps around the side and rear of the garden. A close boarded timber fence separates the gardens of the appeal site and no.94 and the fence panels step downwards away from the properties, reflecting the gradient of the rear gardens.

6. No.94 is unextended at the rear and has two openings in its rear elevation at the ground floor level. These are: a set of double doors closest to the shared boundary serving the dining room and, an obscure glazed kitchen window. The double doors are the only source of light and outlook to the dining room, which is an important habitable room of the property, and provide the only point of outlook into the garden from the ground floor of the property.
7. The proposed extension would have a continuous eaves level which would run along the shared boundary. The appellant states the existing fence is 1.8m high, and therefore the proposed extension would rise more than 900mm above it and this would increase as the ground levels fall away to the rear. As a consequence of its height, depth and proximity to the double doors of no.94, the extension would be visually prominent in the outlook from the rear of no.94. In turn it would contribute strongly to feelings of enclosure and oppression experienced by its occupants.
8. Given the extension would be to the north of no.94 it would not harmfully reduce levels of sunlight. There could, however, be effects on the levels of daylight received by its rear facing double doors. The appellant states that the 45 degree light test would be met, however this has not been evidenced and it is unlikely the proposal would comply with such a test on the floorplans. This likely reduction in daylight would similarly contribute to the harm to the living conditions of no.94.
9. For the reasons given, the proposal would not be acceptable in terms of its impacts on the amenities of no.94, in terms of both outlook and daylight. The proposal would conflict with Policy 29 of the Sutton Local Plan 2018 which seeks to avoid adverse effects on the amenities of occupants of adjoining properties and which assists in assessing the impact of extensions on the amenity of adjacent properties.

Other Matters

10. The appellant sets out other benefits of the proposal, including benefits to their family, efficient use of the garden and the design of the extension which would integrate with the host property and character of the area. Despite this, the scope of considerations for this prior approval are limited as set out above. While I observed other rear extensions nearby, I do not have details of their circumstances or relationship to their neighbours and these do not provide a reason to alter the above judgement. Neither do the existing effects arising from the new building which wraps around no.94 provide a justification for the harm which would arise from the proposal.

Conclusion

11. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR